



Scottish Police Federation North Area Committee

Minutes of the 1st quarterly meeting of the Scottish Police Federation – North Area Committee held on Monday 27th and Tuesday 28th February 2017 at the Dunkeld House Hotel, Dunkeld.

1. Members Present

Full Time Officials

David Hamilton	Chair
Steve Thomson	Secretary
John Crawford	Vice Chair
Neil MacDonald	Deputy Secretary
Peter Jones	Assistant to the General Secretary/Health and Safety

Constables	Sergeants	Inspecting Ranks
Fraser Robertson (day 1)	David Threadgold	Neil Cameron
Mike Purdie	Gordon Forsyth	Andrew Barclay
Davie Smith	Kevin Hird	Dave Forsyth
Mark Douglass	David Threadgold	Graham Smith
Gary Johnson	James Thomson	Gordon Milne
Shirley Moran	Grant Letham	Caroline Scobbie
Angus Morrison (day 1 only)	Karen Harrison	Gary Brown
Linsey Burns	Martyn Turner	David Ogilvie
Ross Polworth	Julie Connor	

2. Opening of Meeting

The Chairman opened the meeting and welcomed all members present and he encouraged everyone present to take an active part in the meeting and to contribute to discussion and debate. David Ross attended the meeting for independence in counting the votes for the election of the NAC Chair person.

3. Election of Full time Official

The Chair reminded the meeting of the rules in relation to elections. He explained that clarity had been sought nationally on the eligibility of the National Subject Secretaries

(Assistant to the General Secretary) to vote in Area Committee Meetings and that it was determined that each had a vote as members of the Area Committee from which they came from.

The Chair advised the Committee that he would not be voting in the election and it was agreed that he would perform the role of scrutineer.

Chair person of the North Area Committee

For this election, the Chair presided over the meetings business.

The Chair advised that in accordance with the Police Federation Scotland Rules - Rule 6, two nominations had been duly received from Gordon Forsyth and Karen Harrison.

Referring to the nominees in alphabetical order, the Chair sought confirmation they were both formally nominated and seconded following which presentations were made by each nominee to the members of the Committee.

At the conclusion of the presentations and in accordance with rules a vote was undertaken at the conclusion of which Gordon Forsyth was elected as the Chair person of the North Area Committee.

The Chair thanked both nominees for their interest in the role and congratulated Gordon Forsyth on his success.

4. Apologies for Absence

Apologies were received from Katy Townhill, Iain Smith, Andrew Bilton, Gordon Deans and Sandy Smart

5. Approval of Previous Minutes

The Minutes of the previous Meeting which were circulated in advance of the Meeting were formally approved having been proposed and seconded by Martyn Turner and Caroline Scobbie.

6. Matters Arising

6.1 Action/Decision Log

The action and decision logs had been circulated in advance of the Meeting and the contents were noted by the Committee. There were no outstanding actions.

7. Standing Items

7.1 JCC Update

The Secretary advised the Committee that the last meeting of the Joint Central Committee was held on 7th and 8th February 2017 at the Dunblane House Hotel, Dunblane, the

minutes of which will be placed on the SPF website when ratified. The Secretary and Chair variously updated the Committee.

The election of the new vice chair took place between David Hamilton and Andy Malcolm. After a vote David Hamilton was elected as the new vice chair. He was congratulated by the Committee.

Legal advice and assistance

The Deputy General Secretary had provided an update that a number of new cases for various matters had come in since the last meeting.

Legal Cases

76 in total

Off duty

Civil – 8

Other – 1

Criminal Legal Defence – 27

Misconduct – 1

Injury – 3

RTA – 9

Total re off duty – 50

On duty

Criminal – 12

Employment – 1

Overtime – 1

Misconduct – 2

Injury – 2

RTA – 5

Updates were provided in relation to Held in Reserve/ Allard/ and Holiday Pay.

Holiday Pay - A recent case Lock V British Gas had been heard in court and in this case it was agreed that overtime should be included with holiday pay. However British Gas may appeal this decision. A number of forces down South have made a payment, however to date PSOS are not currently engaging with the SPF in relation to this matter. The matter may need to be reverted to PNB.

Held in Reserve - A hearing was held by Lady Wise on 22 December 2016 and a decision is still awaited. It was hoped that a decision would be made prior to the last JCC meeting

in February but no decision has been received as yet. As soon as this decision is received the Committee will be updated.

Allard - this is a case taken by officers from Devon and Cornwall against their Chief Constable, this primarily came from them being CHIS handlers who were not paid for taking calls in their own time from sources. A meeting is scheduled to be held with PSOS and any update will be sent out via a JCC circular. This is to resolve i. historical payments and ii. resolve the current position re payments.

One appeal in relation to a legal matter was raised by Martin Bertram (WAC Chair). This was not upheld. (To do with which solicitor a member can use)

The Deputy General Secretary advised that the current position is that the SPF decide which group of solicitors members have access to. This was agreed in October 2015 but nothing precludes that the SPF may on occasions allocate a different solicitor. This is at the discretion of the Dep General Secretary.

Police Negotiating Board (PNB)

The PNB negotiates the terms and conditions for Scottish police officers. They are an advisory non departmental public body but only in Scotland. The board look to seek agreement between the official side, who are SPA, Chief Constable and Scottish ministers and the staff side SPF, ASPS and Scottish Police Chief Officers Staff Association forming recommendations to be passed to the Scottish ministers.

This meeting now takes place 3 times a year as opposed to 4 times and thus the timings of the meetings are 'out of sync' with the JCC meeting.

The staff side last met on 15 January 2017 to formulate an approach in relation to Held in Reserve and Exigency of duty.

Exigency of duty:

Agreement is close in this matter. The slight stumbling block is the matter of compensation in regards to the shortest possible notice to be given although agreement is close.

Held in reserve/overnight allowance:

In principle there is general agreement on this matter and the finer details of the actual costings need to be finalised. This is unable to be considered until the legal case decision is known.

The Committee were aware of the pay claim of 1% which was accepted for last year after quite some negotiation.

The pay claim for 2017 is still to be finalised but no matter what is asked for there is little doubt this will be a very difficult issue to settle. The extra 25 million pounds recently allocated still does not cover the deficit

Audit Scotland recently issued an unprecedented 3rd damning report into PSoS's finances and accounting procedures. This is a first and very unusual occurrence and SPA governance is under intense scrutiny.

The technical working group continues to meet in relation to exigency of duty, an introduction of an overnight allowance and compensation for working into a rest day. These are still ongoing.

Other matters:

An update was provided in regards to the Children and Family circular and the issue of Superintendent ranks possibly exceeding the tax threshold and how this was worked on. Also the 40 hour working week was discussed.

A meeting has taken place in relation to the Work Force Agreement and proposed court duty change. This was shared with the Committee.

Pensions

The Pension landscape is as follows:

Pensions Board – David Hamilton, Doug Keil and Andrew Barker (ex CC) sit on this panel

Pension Scheme Advisory Board – Calum Steel and Craig Suttie (ASPS) sit on this panel.

A pensions meeting took place on 16 January 2017 at the Home Office in London and various issues were discussed including the BTP pensions.

The matter of the recent Judges Employment Tribunal Pension Changes was discussed. This is covered in the JCC Circular 1/2017. In summary, Judges are a unique cohort and no readover can be drawn from their decision.

The Committee was reminded that the claim centred around age discrimination and this only applies to those with transitional tapering.

In relation to annual benefit pension statements 7000 members of staff did not receive their pension statement on time. As mentioned at a previous NAC, Police Scotland plan to auto enrol anyone who has left the Pension scheme back into it, meaning that if officers did not wish to continue they would require to opt out again. This is a legal requirement of the scheme.

The SPPA are still trying to create a pensions calculator. It was to be delivered but before being done it was tested and problems encountered. This is still ongoing but it is hoped these will be resolved soon.

A possible input to probationers on joining along with pension advice is being considered and worked on.

SPPA communications lie at the heart of the problem and a Board sub-Committee has been formed to advise on improvements.

Scottish Police Consultative Forum (SPCF)

The SPCF runs in conjunction with PNB. The functions of the SPCF are not set out in legislation but Scottish Ministers have a statutory obligation to consult policing stakeholders before making any changes to the regulations governing a wide range of non-negotiable matters which affect police officers in Scotland and will look for these to be agreed through discussion at the SPCF before they are made.

Again this meeting now takes place 3 times a year as opposed to 4 times and thus the timings of the meetings are 'out of sync' with the JCC meeting.

Pathways to Policing has come to an abrupt stop. As was mentioned at the last meeting David Kennedy and Andrea MacDonald are currently sitting on a sub group along with Gill Imrie from HMIC.

Fitness testing has been discussed and as per our last meeting the bleep test has been reduced to 5.2 for males and females. The Committee aired their views in relation to this reduction.

Scottish Police Authority (SPA)

The **Scottish Police Authority** (SPA) is a public body of the Scottish Government which holds Police Scotland, to account. Both bodies were established on 1 April 2013 with the inception of Police Scotland.

The last meeting took place on 12 December 2016 and Calum Steel met with the Chair Andrew Flanagan on 19 December 2016.

The precarious financial state of PSOS was discussed, as a result of this meetings have increased greatly with the SPF meeting on a regular basis with ACC's and senior management.

There is still little engagement.

Scottish Police Budget and Finance

The current financial year predictions predict a £60 million overspend in the budget.

The Scottish Government recently announced a further £25 million investment into Policing in Scotland. This over and above the £2 million investment that was reported at the last meeting.

David Ross is currently leading on this and have a Savings Delivery Board that attempts to fill the financial deficit the force currently have. This is expected to be in the region of £80m by 2020. This is of great frustration to the SPF as most topics are moving incredibly slow.

Savings Delivery: The group last met recently and some savings in contract consolidation have been identified. Further cuts are being mooted but will be resisted.

Supervisory Ratios: David Ross, Andrea MacDonald and David Hamilton sit on this strategic group, which predicts savings of £1.2m saved by the end of this year and reducing approximately £1.6m annually. 35 Inspectors and 96 Sergeants posts are going, which will allow the savings to be met. It is now part of the 10 Quick Wins Workstream.

Discussions are taking place in relation to extending TOIL retention periods from 3 to 6 months but this will require PNB agreement.

Resource Deployment for custody is being reviewed with one option being for resources to be passed to local teams to manage. This is still ongoing.

SPF officials have been at all the major political party conferences and the SNP conference Fringe event was particularly impactful when photographs of some of the Police estate were shown to delegates.

7.2 Subject Committees

The minutes of all national Subject Committees were circulated as JCC Circular 5/2017

Conduct Conduct Update

Conduct On - 10
Conduct Off - 4
Criminal On - 23
Criminal Off - 15

There are 6 officers currently suspended in the North Area.

There have been 3 Misconduct Hearings since the last meeting, unfortunately as predicted all 3 officers were dismissed without notice. One was represented by our solicitors (Levy & Macrae) one was represented by a full time official and the 3rd chose to represent himself, 2 appeals have been lodged against the dismissals.

There is a PAT (Police Appeals Tribunal) meeting being held today regarding a North officer and a decision is awaited)

There are a further 8 Gross Misconduct allegations currently being investigated by PSD.

There had been one Misconduct meeting since the last NAC and David Threadgold represented the officer. SPF were of the view that the matter was one of performance as opposed to Misconduct but that argument was not accepted and the officer received management advice.

North Area Conduct Meeting

The North Area Conduct Committee meeting was due to be held on the 10th January and then again on the 14th February 2017, the first had to be cancelled due to my availability and the second due to availability of the Committee. The next Meeting will take place on the 4th April 2017 and invites have gone out.

JCC Conduct Meeting

The Conduct sub-Committee last met on the 17th January 2017 in Woodside Place Glasgow. The minutes of this meeting are available for the NAC.

Equality

The Deputy Secretary confirmed that the NAC Equality Sub Committee had met on 11th January 2017 at Dundee Police office, the draft minute of the meeting had been circulated.

A training session was session to take place however Nigel Bathgate, national equality secretary was unable to attend due to congestion on the Forth Road Bridge.

Extensive discussions were had on the subjects;

A possible culture of discrimination in some departments.

The setting up of a confidential mailbox to facilitate the anonymous reporting of sensitive matters.

The application and the process for flexible working patterns.

Return to work interviews.

Absence Review

The Deputy Secretary then gave a brief update that at present there were the following officers absent across the North Area;

A - 15 – possibly 1 in IHR process
D - 23
N – 13 – 1IHR with effect 17/01/2017

Grievance - Unaware of any ongoing.

Flexible Working/Part time - Not aware of any currently on going receiving support. The Chairman then invited any questions.

Health & Safety

The Secretary advised that the NAC Health & Safety Sub Committee had last met on Monday 9 January 2017 at the Aberdeen SPF Office and the minutes have been circulated to the NAC.

North Area Health & Safety Meeting

The Secretary advised that the North Area meeting chaired by ACC Andy Cowie had met on one occasion since the last NAC meeting on Wednesday 11 January 2017 at Dundee. The issue of winter clothing and snow patrol clothing was again raised. The interim measure has now been put in place and the long term solution is underway.

Since this meeting a stock of longer yellow Hi-Viz RPU jackets have been ordered and these will be distributed. These will replace the shorted length jacket which will no longer be issued.

Vehicle checks were again raised by the SPF and that greater checks would be required and scrutiny around that bearing in mind the reduction in the budget for fleet. ACC North Andy Cowie announced that he personally will be carrying out spot checks on vehicles throughout the North during 2017.

JCC Health & Safety Meeting

The JCC H&S subject last met on Tuesday 17 January 2017 at Woodside Place, Glasgow. The minutes will be placed on the SPF website when ratified under JCC Circular 5/2017.

This Committee agreed that the topic for H&S at this year's Conference would be mental health wellbeing. The Committee also agreed that in relation to custody that the position of wearing of PPE (baton, cuffs and pava spray) would be required.

Points of Note

The H&S Committee for custody and OSD has been set up recently and last met on Tuesday 17 January 2017. These Committees took place before the JCC H&S meeting and the minutes will be circulated in due course.

National Update

Peter Jones provided a comprehensive update in relation to National Issue that were ongoing.

7.3 Standing Committees

The minutes will be placed on the SPF website when ratified under JCC Circular 5/2017

- **Finance**

The Chairman confirmed that the Finance Standing Committee had met on Wednesday 18th January 2017 at Woodside Place, Glasgow and he updated on the discussions at that meeting. The main points of note were:

- A meeting in the near future to discuss how the SPF could utilise the money in the member's benefit trust accounts
- Investments continue to perform in line with expectations
- SPF accommodation and that FES have become the SPF's facilities management company from 1 December 2017
- Invitations to tender for the member services contract had been sent out on 30 December and only two companies had accepted. The closing dates for bids is 16 February. The companies had been asked to remove Denplan from the package and to quote with and without salary replacement. The trustees had discussed the onerous task of reviewing the Member Services package every two years. The Committee discussed this matter and agreed to recommend to the JCC that subject to exception or significant concerns over performance, there should be a presumption against undertaking a wider exercise for 5 years. Exploring new options re salary replacement in Group Insurance Scheme.
- Approval granted to spend £60,000 in regards to "it's what we do" video.
- Approval granted to spend £25,000 to promote the SPF in regards to SPF centenary

The minutes will be placed on the SPF website when ratified under JCC Circular 5/2017

- **Legislation & Regulations**

This Committee met at Woodside Place, Glasgow on Wednesday 18 January 2017. The main points of note were;

Budget Bill

The General Secretary reminded the meeting of the contributions made to the budget scrutiny exercise of the Justice Committee. Since then the draft Scottish Budget has been published and whilst it indicates inflationary protection to the police revenue budget it also contains reductions to capital and to reform funding. The meeting discussed these issues and what they might mean for the police service in the year ahead.

He highlighted that the reduction to the reform money as part of the overall budget presented a significant risk, not least as this reform money had been consistently used to offset PSoS VAT liability. Self-evidently the reform allocation was intended to be short lived and its removal in the near future can be expected. In light of this he suggested to the Committee that the SPF should concentrate lobbying efforts in Westminster as it was clear that this was where any solution to this issue lay. He asked the Committee whether they would support an event in Westminster to lobby members on the subject of VAT as well as the wider issue of budgets. The meeting discussed this suggestion at length and agreed it was worthwhile and also discussed lobbying local MSPs on this issue. He thereafter asked the Committee whether there were any other issues that required to be highlighted at this time. The Committee agreed that the issues highlighted by the SPF to date remained appropriate.

Railways Policing Bill

It was noted that the Scottish Parliament had called for evidence on the provision of the Financial Memorandum relative to the above. The SPF Chair/Secretary had spoken to their respective colleagues the previous week. The Committee discussed the integration of the BTP into PSoS and potential issues there may be. The Committee recognised that the financial information is generally not known to the SPF and that there is no way of knowing the views of the BTP on this subject. That being said, members considered it was likely that there may be issues associated with asset valuation that would be worthy of highlighting to Parliament.

Competent Business

The General Secretary said that he had been asked for written evidence on the Stop/Search Code of Practice. The Committee discussed this matter. It was noted that some of the points the SPF had made to the Draft Code of Practice had been taken on board. He said that the Code now goes beyond stop/search and asked that any issues be sent to him as soon as possible. He further said that he had been invited to the Stop/Search Reference Group. The Committee were content with the proposed response.

The General Secretary advised that an evidence session was to be held the following week regarding the Justice Committee's Inquiry of First Response and Last Resort. Written evidence has been sought and the General Secretary said he intended to include mental illness, domestic violence and missing people in his response. He asked that any other issues be sent to him. The Committee were content with his suggestions.

The General Secretary said that he hoped to receive a working copy of the 2026 programme.

The minutes will be placed on the SPF website when ratified under JCC Circular 5/2017

- **Operational Duties**

The Operational Duties Committee met on Wednesday 18th January 2017 at Woodside Place. The main points of note were:

ACDP, Police Diploma & Special Constabulary

Special Constabulary

No-one was available to attend the last meeting. Once the minutes were received they would be circulated. There is a new Special Constabulary Liaison Co-ordinator in post.

The Special Constable's Regulations were expected to be amended in the near future. David Hamilton said that he awaited a final copy of the report relative to mentoring, in particular whether it was to be done in duty or non-duty time. The Committee discussed the roles that Special Constables variously carry out in the North area.

CBRN

David Hamilton advised the Committee that he had participated in a Tactical Leads Meeting in Ryton by video conference. Amongst the items discussed were cold water de-contamination, new PPE, 1, 2, 3+ process, and joint training.

Post Incident Procedures (PIP)

It was reported that further PIP training was required to be rolled out to the SPF full time officials and the Deputy General Secretary and David Hamilton were to meet to arrange this.

A post incident management course had been run in December 2016. It was reported that the Firearms Monitoring Group were looking to use post incident management procedures and hoped to eventually have an accredited course.

Workforce Agreements (WFAs)

It was reported that there were five outstanding workforce agreements in place. The AGSH said that a 'Statement of Intent' from the H&S Wellbeing Group had recently been signed off.

David Hamilton asked about a new process for flexible working and the Deputy General Secretary said that the Agile and Flexible Working Group had recently received new data and were currently looking into it. Centralised flexible patterns, operational base levels and all areas were being reviewed.

David Hamilton asked about the status of court duty change and the Deputy General Secretary said he had recently met with a number of representatives from PSoS regarding this issue. The Committee discussed the matter, held in reserve and exigencies of duty and agreed that a small Working Group comprising of the Deputy General Secretary, AGSH and three Area Leads meet to agree what would be an acceptable solution for the SPF.

Custody

It was reported that the Custody Sub Group had met the previous day and a large number of items were discussed including H&S provisions at Kittybrewster, 'D' Division no longer backfilling custody officers and the proposal to rationalise the estate.

Force Armed Policing Monitoring Group

The Deputy General Secretary advised he attended a meeting on 13 December 2016. Amongst the items discussed were post incident management procedures, authorised firearms officers medical standards and standardisation and the intention to move away from annual medicals. The AGSH asked what the rationale was in doing that and said it would be contrary to national guidance. Malcolm Macdonald (Secretary of the West Area Committee) advised that there was an element of responsibility placed on GPs.

The Committee discussed Taser and were informed that there were currently a large number out with warranty. PSoS were content to continue to use them. The General Secretary said he would write to the Force regarding this and asked for all information to be sent to him prior to him doing so.

The Committee also discussed the integration of the BTP into PSoS and the potential problems relative to this.

The next meeting is scheduled for 14 March 2017.

Inspecting Rank Steering Group

The Time for Justice 2015- information, which was the executive summary for the Scottish Police Inspectors Working Time and Wellbeing Survey (Time for Justice 2015) was sent distributed.

The recently completed Inspector survey was forwarded to the executive and a Scottish Government working group has been set up. Andrea MacDonald, David Hamilton and Andrew Malcolm sit on this group, which is being progressed by ACC Williams. These meetings are scheduled to commence in November. The information is included in the recently circulated JCC Circular 6/2017.

The minutes will be placed on the SPF website when ratified under JCC Circular 5/2017

7.4 Force/Area Meetings Update

LNCC/JNCC LNCC

The 2nd joint LNCC met at the Scottish Police College on Wednesday 1 February 2017 which the Chair and Secretary attended. ACC Andy Cowie chaired this meeting. Several issues were discussed but relative to the North the following was raised.

- a) The move to the allocation of A/L as per legacy arrangements. This was discussed at length and various views put forward but nothing absolute decided. Agreement from this meeting that local commanders should have the authority to implement a process which is fit for their area.

The structure of meeting was discussed and this is being progressed. The next meeting is scheduled for 2 May 2017.

JNCC

Calum Steele and the Chair attended the last JNCC on Tuesday 14 February 2017. It was agreed that the format of the LNCC meetings needed to be looked at. Work is ongoing for National Division attendance at these meetings as much of the local issues tie in with National Divisions.

It was agreed that locally things are working well with Divisional Chief Superintendents.

LNCC 5C

No meeting of same since the last one on 13th July 2016. Again there appears to have been change from ACC Hawkins following the review carried out by Derek Kildane in regards to ACR closures in Aberdeen and Inverness. Still apparently Aberdeen ACR (March 2017 timeline) and Inverness (June 2017)

LNCC 3C

The 3C LNCC was due to meet on several dates in November the last being on Friday 25.11.16. On all occasions they were cancelled at the last minute. The next meeting is scheduled for Friday 3 March 2017.

Divisional Management Meetings

N – Vice Chair has continued to attend all Divisional meetings in N Division. The last meeting took place in Inverness on the 10th January 2017 and was attended by Neil in my absence. The only matter of any significance that may affect us is the change in the Ch/Supt Philip Macrae is to be replaced.

A – The Secretary meets with Chief Supt Thomson every quarter and will see him as and when he needs to. This has been increased to monthly in line with the ACC monthly meetings. He last formally met with him on Friday 9th December 2016. The issue of red days was discussed and he is to ensure that this is looked at in the coming months. Annual Leave was also spoken about. He is due to next meet formally on 7th March 2017.

D – The Chair is grateful for the exceptional level of engagement from Chief Superintendent Paul Anderson. The Division is moving to a new operating model and progress is on track. Unfortunately this had some disruption to leave requests but a work

around is being looked at. HMICS are to be inspecting D Division shortly and the SPF reps will be given a further input by Paul Anderson next week. There is still good engagement with the Divisional Commander.

8. New Business

Bi-annual Conference was discussed and numbers attending were confirmed.

9. AOCB

Shirley Moran raised an issue in regards to recognizing menopause within female Officers and the Committee discussed the matter and were in agreement that this should be progressed via the Health and Wellbeing Group which David Hamilton and Peter Jones sit on.

Positive feedback was received from the Committee in respect of the most recent SPF Basic training that was held.

The issue of further training in relation to Regulations was raised by the Chair and no views were aired by the Committee.

10. Correspondence

The Secretary advised there were 4 items of correspondence:

Resignation of Graham Smith. The Secretary read out Graham's letter of resignation and he was thanked in the customary fashion.

Resignation of Iain Smith. The Secretary read out Iain's letter of resignation and he was thanked in the customary fashion.

Resignation of Davie Smith. The Secretary read out Davie's letter of resignation and he was thanked in the customary fashion.

David Hamilton addressed the Committee following his change of role to the Vice Chair of the SPF. Again he was thanked in the customary fashion.

11. Time and Date of Next Meeting

The Chairman advised the next Meeting of the North Area Committee would be held on Monday 5th and Tuesday 6th June 2017 at the Atholl Palace Hotel, Pitlochry commencing at 1300 hours on Day 1 and 0900 hours on Day 2.

Dates of future meetings

5th & 6th June 2017

4th & 5th September 2017

4th & 5th December 2017

12. Closure of Meeting

The Chairman thanked the Committee for their active and constructive participation and closed the Meeting by wishing everyone present a safe journey home.

He was thanked by the Meeting in the customary manner.

David Hamilton
Chair

Steve Thomson
Secretary